



Memphis and Shelby County Land Use Control Board

CITY HALL 125 NORTH MID AMERICA MALL MEMPHIS, TENNESSEE 38103-2084
(901) 576-6619

(Please visit our web site at: <http://www.dpdgov.com>)

MINUTES

Date: November 10, 2011

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	James Toles	X	
Member	Loyal Featherstone	X	
Member	Rusty Linkous	X	
Member	Jon McCreery	X	
Member	Margaret Pritchard		X
Member	Robert Norcross	X	
Member	Mary Sharp	X	
Member	Emily Trenholm		X
Member	Lisa Wilbanks	X	
Member	Rosalyn Willis		X
Alternate Member	Frank Colvett, Jr.	X	
Alternate Member	Raymond Brown	X	
Alternate Member	Timothy Rainey	X	

Call to Order and Roll Call

Chairman James Toles called the meeting to order at 10:00 a.m. Don Jones called the roll. There was a quorum.

LUCB Staff: Chip Saliba, Brian Bacchus, Don Jones, Gregory Love and Sheila Pounder.

Others Present: Steve Barlow, Tim Easter, Richard Groth, Kathryn Kabel, Sharon Paige, W.D. Porter, Michael Rogers, Delinor Smith, Brenda Solomito, Jud TePaske, and Mary Wilder.

Chairman's Opening Remarks

Chairman Toles read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report

No Secretary's Report given.

Approval of Minutes: October 13, 2011

Approval of Minutes: October 13, 2011

Board Member Sharp made a motion to approve the minutes. Board Member McCreery seconded the motion. The motion passed unanimously.

General Order of Public Hearing

Chairman Toles explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1-4 were read. Chairman Toles also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member McCreery to read the Consent Agenda Items.

Consent Agenda (Items 1-4)

1. CASE NUMBER: SR 11-901

DEVELOPMENT NAME: MOSAIC SUBDIVISION

Request: Revoke existing two-lot subdivision plat

Staff's Recommendation: Approval with Conditions

2. CASE NUMBER: P.D. 04-322 CC

DEVELOPMENT NAME: BARRY FARMS-3rd AMENDMENT, AREA A-PHASE 15
PLANNED DEVELOPMENT

Request: Request electronic message center as part of the monument style sign

Staff's Recommendation: Rejection.

3. CASE NUMBER: PD 04-357

DEVELOPMENT NAME: WOODLANDS OF CORDOVA PLANNED
DEVELOPMENT-FINAL PLAN

Request: Modifications to remove rear alley along Lots 38-61; delete Lots 35-62 in Condition II.B.1.vi. and add a new Condition II.B.1.vii. to read: The minimum side yard setback shall be 3.5 feet for Lots 38-61 of the final plan.

Staff's Recommendation: Approval with 5 conditions.

4. CASE NUMBER: PD 11-304 CC (formerly P.D. 08-312 CC)

DEVELOPMENT NAME: SHELBY DRIVE/GERMANTOWN ROAD PLANNED
DEVELOPMENT, 4TH AMENDMENT – PHASE 3

Request: Modifications to Conditions VII.A. & B. to allow increase sign height and area with internal illumination for a detached pylon sign 20 feet in height and 70 square feet in area and one attached sign 145 square feet in area.

Staff's Recommendation: Rejection

Discussion Summary –Consent Agenda Items 2, 3, and 4 were pulled for discussion. Board Member McCreedy made a motion to approve Consent Agenda Items 1. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Pulled Consent Agenda (Items 2, 3 and 4) for discussion

Chairman Toles called for the first Consent Agenda Item case.

Item 2: CASE #: P.D. 04-322 CC BARRY FARMS-3rd AMENDMENT, AREA A-PHASE 15 PLANNED DEVELOPMENT

Request for electronic message center as part of the monument style sign.

Staff's Recommendation: Rejection.

Chairman Toles asked if the board would revisit Item 2 since the audio had now become available. He asked for a motion to reconsider Item 2.

Board member Norcross made a motion to approve to reconsider Item 2. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Then Chairman Toles asked for a motion for the amendment to Item 2.

Board member McCreedy made a motion of a friendly amendment to allow for the 10ft. setback to be approved while rejecting the signage. The motion was seconded by Board Member Linkous. The motion passed unanimously.

Item 3: CASE #: PD 04-357

WOODLANDS OF CORDOVA PLANNED DEVELOPMENT – FINAL PLAN

Request for modifications to remove rear alley along Lots 38-61; delete Lots 35-62 in Condition II. B. 1. vi. and add a new Condition II. B. 1. vii. to read: The minimum side yard setback shall be 3.5 feet for Lots 38-61 of the final plan.

Staff's Recommendation: Approval with 5 conditions.

Chairman Toles asked if applicant was present and state their opposition with staff's recommendation.

W.D. Porter approached and stated his name and address as 4821 American Way, Suite 100 and that he was in agreement with staff's recommendation.

Chairman Toles asked if there were any opposition who would like to speak. There were opposition, so the Chairman asked staff for a presentation of the staff report.

Staff member Brian Bacchus gave a summary of staff report, showing various aerial views and location of the case property. He stated he received two letters of opposition. He added that there was an agreed upon amendment to change condition 4 to comply with UDC requirements.

Chairman Toles asked if the opposition would approach and give their comments.

Linda Yates, 1401 Dexter Lane, Cordova, TN and Ann Gallina, 1348 Dexter Lane, Cordova, TN both applauded Regency Homes for the cleanup they had done for the area but expressed postponing the item until Regency Home Builders can meet with the community to discuss their concerns and issues.

Chairman Toles asked if the board for a motion. Board member Featherstone made a motion to approve case PD 04-357 in accordance with staff's recommendation and the agreed upon amendment to change condition 4 to comply with UDC requirements. The motion was seconded by Board member Wilbanks. The motion passed unanimously.

Item 4: CASE #: PD 11-304 CC SHELBY DRIVE/GERMANTOWN ROAD PLANNED DEVELOPMENT, 4TH AMENDMENT – PHASE 3

Request for modifications to Conditions VII.A. & B. to allow increased sign height and area with internal illumination for a detached pylon sign 20 feet in height and 70 square feet in area and one attached sign 145 square feet in area.

Staff's Recommendation: Rejection

*Board member Linkous and Alternate Board member Rainey recused themselves for this case.

Chairman Toles asked if applicant was present and if there was any opposition with staff's recommendation. There was opposition, so the Chairman asked staff for a presentation of the staff report.

Staff member Brian Bacchus gave a summary of staff report, showing various aerial views and location of the case property. He restated the applicant's exact request for signage. He stated the recommended conditions for approval which were to increased sign height and area with internal illumination for a detached pylon sign 35 feet in height and 7 square feet in area and one attached sign 83 square feet in area facing E. Shelby Dr. He also mentioned other properties within the surrounding area which included residential and commercial. Staff recommended rejection of application due to the plan development not consistent with adjacent developments and signs in and surrounding the development area.

Chairman Toles asked if applicant would approach and give their comments.

Michael Rogers with Fisher & Arnold, Inc. approached and stated his name and address as 9180 Crestwyn Hills Dr., Ste. 100, Memphis, TN 38125. He stated that the request for the signage was mainly for visibility and to remain with the standard branding of sign Family Dollar is accustomed. Mr. Rogers showed photos of various types of signage along Shelby Dr. larger than the one he was proposing.

Chairman Toles asked the board for a motion. Board member Featherstone made a motion to approve the application based on staff's recommendation of conditions. The motion was seconded by Board member Wilbanks.

Chairman Toles asked staff to explain the rejection of the sign if there were other signs larger than the one proposed.

Staff member Brian Bacchus responded saying those were all "monument" approved signs and/or pylon signs located only along major intersections.

Chairman Toles allowed Mr. Richard Groth, the Real Estate Manager for Family Dollar Stores to approach. Mr. Groth stated his name and address as 1403 Peabody Avenue. He also requested approval of the application due to the heavy landscaping next to their property would block any monument signage from westbound traffic which in turn would have an effect on sales.

Chairman asked if there were any more discussion from Board members. There was none so he asked for a vote on the motion. The motion was rejected for approval unanimously.

Item 5: CASE #: PD 11-317

OVERTON SQUARE PLANNED DEVELOPMENT

Request for a mixed use Planned Development to permit commercial/office and a structured parking garage.

Staff's Recommendation: Approval with conditions

*Chairman Toles and Board member Norcross recused themselves for this case.

Acting Chair for Chairman Toles, Board member McCreery asked if applicant was present and if there was any opposition with staff's recommendation. There was no opposition but staff member Don Jones noted members from the Lit Creek Coalition that was present to speak and that he had a friendly amendment.

Board member McCreery asked staff for a presentation of the staff report.

Staff member Don Jones gave a summary of staff report, showing various aerial views, a map and location of the case property. He stated the current use of the site which was a parking lot. He also mentioned other properties within the surrounding area which included residential, residential converted to commercial and commercial. Staff recommended approval of application in hopes to spark more development of the reuse of existing structures in the Midtown Overlay area and surrounding development area. He added that the amendments to the conditions were in Item VI that dealt with the signage, signage height and creative signage.

Board member McCreery asked the applicant to approach and give comments.

Steve Barlow with Barlow & Brewer approached and stated his name, address as 1755 Kirby Parkway and that he was representing the applicant. He stated that the application as submitted is a good Public/Private Partnership and he has worked closely with City Engineering and other Divisions to present a workable plan that would be conforming to the Midtown Overlay.

Mary Wilder approached and stated her name and address as 672 N. Idlewild and went on record stating support of the plan with the garage.

Board member McCreery asked the board for a motion and to include the friendly amendment. Board member Colvett made a motion in accordance with staff's recommendations for approval with conditions and with a friendly amendment to the Condition Item VI that dealt with the signage, signage height and creative signage. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 6: CASE #: PD 11-318

WINCHESTER CENTER PLANNED DEVELOPMENT, AMENDED PHASE 3 – PARCEL 1

Request for a plan amendment to allow motor vehicle sales only in Phase 3 final plan.

Staff's Recommendation: Approval with conditions

Chairman Toles asked if applicant was present and if there was any opposition with staff's recommendation. There was no opposition but Brenda Solomito approached and stated her name, address as 2067 Kirby Parkway and that she was in agreement with staff's recommendation.

Then Chairman Toles asked for a motion. Board Member McCreery made a motion to approve Case PD 11-318 in accordance with staff's recommendation. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 7: CASE #: SUP 11-214 CO SOUTHSIDE OF W UNION RD; +/-1,475' OF QUITO RD.

Request for a Mobile Home.

Staff's Recommendation: Hold for 30 days

*CASE WAS PLACED ON HOLD FOR 30 DAYS.

Item 8: CASE #: SUP 11-215

WESTSIDE OF WARREN ST., 173' N OR RALSTON ST.

Request for a Group Day Care (maximum 12 students).

Staff's Recommendation: Approval with conditions

Chairman Toles asked if applicant was present and if there was any opposition with staff's recommendation. There was no opposition but Tim Easter approached and stated his name and that he was in agreement with staff's recommendation.

Staff member Greg Love approached and requested to make two friendly amendments to the conditions: 1) to remove line stated that the variance is 20K sq. ft. minimum and 2) change variance of distance from major arterial to 150' as required for family day care instead of 200' stated in staff report.

Then Chairman Toles asked for a motion. Board Member McCreedy made a motion to approve Case SUP 11-215 in accordance with staff's recommendation and friendly amendments. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

Item 9: CASE #: SUP 11-216 WESTSIDE OF GETWELL RD., 150' S OF BARRON

Request for a Bar/Tavern.

Staff's Recommendation: Rejection

*CASE WAS PLACED ON HOLD FOR 30 DAYS.

Item 10: CASE #: Z 11-109 EASTSIDE OF MISSISSIPPI BLVD.; +/-389' S OF TRIGG AVE.

Request for Residential Urban-3 (RU-3) District.

Staff's Recommendation: Approval

Chairman Toles asked if applicant was present and if there was any opposition with staff's recommendation. There was no opposition but Mr. Delinor Smith approached and stated his name, address as 3831 Lakehurst Dr. and that she was in agreement with staff's recommendation.

Then Chairman Toles asked for a motion. Board Member McCreedy made a motion to approve Case Z 11-109 in accordance with staff's recommendation. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Item 11: CASE #: SUP 11-213 NORTH SIDE OF WALNUT GROVE RD. & REDDITT RD.

Request for a Doggy Day Care.

Staff's Recommendation: Approval with conditions

Chairman Toles asked if applicant was present and if there was any opposition with staff's recommendation. There was opposition.

Staff member Greg Love approached and stated after a brief meeting with the applicant, she had requested a 30 hold to meet with her Engineer and the City's Engineer to address and resolve the traffic issues and concerns along Walnut Grove Rd. prior to the board voting on the current application submitted. He also stated that he had spoken with the opposition of the application and they were not in agreement with any part of the application.

Kathryn Kabel approached and stated her name and address as 2961 Mallory Lane. She did confirm that she requested a hold for 30 days.

Chairman Toles asked if there was any opposition that would like to speak.

Jud TePaske approached and stated his name and address as 9406 Rocky Hills Dr, representing the Rocky Point Corridor Homeowners Assn. He stated that the applicant has had ample enough

time and it's her responsibility to submit adequate information to staff and City Engineer's office for them to evaluate the plan to make their recommendations to the board. He also added that it was the second time the neighbors had been present to oppose the case.

Then Chairman Toles asked for a motion. Board Member Rainey made a motion to hold Case SUP 11-213 for 30 days in accordance with staff's recommendation. The motion was seconded by Board Member McCreery. The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED: _____

12-8-11



CHAIRMAN



SECRETARY